

# MEMORANDUM

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Agenda Item No. 3(J)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

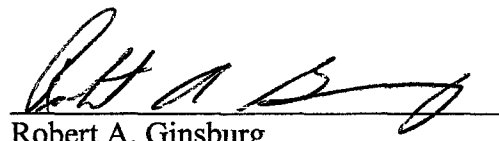
**DATE:** March 8, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance amending Article  
VII, Section 33-124.1 of the  
Code relating to parking  
commercial vehicles in  
residentially and agriculturally  
zoned districts

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Senator Javier D. Souto.

  
Robert A. Ginsburg  
County Attorney

RAG/bw

# Memorandum



**Date:**

**To:** Honorable Chairman Joe A. Martinez  
and Members Board of County Commissioners

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name "George M. Burgess".

**Subject:** Ordinance amending Article VII, Section 33-124.1 of the Code; relating to parking commercial vehicles in residentially and agriculturally zoned districts

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This ordinance amending Article VII, Section 33-124.1 of the Code of Miami-Dade County relating to parking commercial vehicles in residentially and agriculturally zoned districts will have no fiscal impact to Miami-Dade County.

Fiscal02205



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** January 20, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 13(B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 13(B)

1-20-05

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING ARTICLE VII, SECTION 33-124.1  
OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA  
RELATING TO PARKING COMMERCIAL VEHICLES IN  
RESIDENTIALLY AND AGRICULTURALLY ZONED  
DISTRICTS; PROVIDING SEVERABILITY, INCLUSION IN  
THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 33-124.1 of the Code of Miami-Dade County, Florida, is hereby  
amended as follows:<sup>1</sup>

**Sec. 33-124.1. Parking of commercial vehicles in  
residential or agricultural zones.**

- (a) The following are hereby defined as commercial vehicles  
for the purpose of this section:

*Category 1.* A vehicle ~~[[under ten thousand (10,000) gross  
vehicle weight rating]]~~ that is a taxicab, a limousine under  
twenty (20) feet in length or any >>passenger<< vehicle>>,  
truck or van with a maximum height of eight (8) feet from  
the ground<< marked with a sign, letters, identification  
numbers[[,]] or emblem advertising or associating it in any  
way with a commercial enterprise other than those which  
identify the vehicle maker or dealer. >>A sport utility  
vehicle marked with a sign, letters, identification numbers  
or emblem advertising or associating it in any way with a

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored  
and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now  
in effect and remain unchanged.

commercial enterprise, other than those which identify the vehicle maker or dealer, shall be considered as a Category 1 vehicle. For purposes of this section, a passenger vehicle bearing an emblem or lettering of a government entity shall also be considered as a Category 1 vehicle.<<

*Category 2.* A vehicle ~~[[under ten thousand (10,000) gross vehicle weight rating in which the indications]]~~ >>eight (8) feet or less in height that displays externally stored or mounted equipment either in a fixed or temporary manner which is visible<< including>>,<< but not limited to>>,<< food vending equipment, ladders, paint cans, lawn care equipment or fixtures and brackets necessary to carry such items. >>Trailers or utility trailers less than 20 feet in length which are enclosed or of an unenclosed design shall also be included as Category 2 vehicles.<<

*Category 3.* A vehicle, other than a recreational vehicle as defined in section 33-20(f), exceeding ~~[[ten thousand (10,000) gross vehicle weight rating.]]~~ >>twenty (20) feet in length or more than eight (8) feet in height from the ground including, but not limited to, tow trucks, dump trucks, construction or earth moving vehicles or equipment and semi-tractors and trailers.<<

(b) >>Storage or p<<[[P]]arking of certain commercial vehicles is allowed >>on private property<< in residential zones as follows:

1. In agriculturally zoned area>>s<< (AU)>> where a bona fide agricultural use, as defined in Chapter 19-3(B) of this Code, exists on private property<<, parking >>or storage of<< commercial vehicles used for agricultural purposes or in the transport of agricultural products is allowed as otherwise provided in this chapter.
2. >>In residentially zoned districts, o<<[[Θ]]nly two Category 1 vehicles may be [[openly]] stored or parked at a residence[[in a residential-zoned district]].
3. >>In residentially zoned districts, o<<[[Θ]]nly one Category 2 vehicle >>may be stored or parked provided that it is kept within<<[[only in]] an

enclosed garage or behind the front building line within a completely enclosed, opaque fence, screening wall or landscaping 6 feet in height at least ten (10) feet from the rear property line. If a Category 2 vehicle is so >>stored or<< parked, >>then<< only one Category 1 vehicle may also be >>stored or<< parked at such residence.

4. For residential properties of four (4) or more units, the parking allowances provided for herein shall be applied as to each unit.

5. >>Storage or parking of<< Category 3 vehicles is prohibited >>in all residentially zoned districts<<.

>>6. The temporary parking of a Category 2 or 3 vehicle in front of the building line or in front of the buffer screen shall only be permitted for the purpose of loading or unloading of materials or persons or engaged in providing a commercial service at the premises or for the purpose of the driver to make a temporary convenience stop at the residence. Such activity shall be limited to no more than one hour in any 24-hour period.<<

(c) Parking of certain commercial vehicles >>on the right-of-way<< is prohibited in residential zones as follows:

1. In areas zoned residential districts, it shall be unlawful for Category ~~[[1,]]~~ 2~~[[,]]~~ >>or<< 3, vehicles>>,<< as herein defined>>,<< to be otherwise parked~~[[, whether on private property or]]~~ on the public ~~[[right-of-way]]~~ >>right-of-way<<, unless >>actively<< engaged in the loading or unloading of materials or persons or engaged in providing a commercial service. Examples of providing commercial services include, but are not limited to, >>removal of disabled vehicles from private or public property<< presence at a construction site, delivery of goods, repair of household appliances and cleaning of household furniture.

(d) Violations of these provisions are punishable as follows:

repeat violation>> of subsection 33-124.1(c)<<, in addition to civil penalties, such vehicle may be towed or immobilized until all outstanding violations and enforcement costs have been paid. After 35 days of storage or immobilization, such vehicle may be disposed of pursuant to the provisions contained in Section 713.585, Florida Statutes. Any enforcement officer is hereby authorized to secure the assistance of the Miami-Dade Police Department to effect enforcement of these provisions.

\* \* \*

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Abigail Price-Williams

Sponsored by Senator Javier D. Souto

RAG  
APW